

August 3 personal interview, with Examiner Richman. In that Request, Applicants noted that the Final Rejection repeated previous rejections and failed to adequately rebut the arguments that Applicants presented in an Amendment filed on April 13, 2005 traversing the prior art rejections of the earlier Office Action.

Applicants argued that the Final Rejection mischaracterized Applicants' arguments and failed to respond fully to Applicants' arguments regarding the rejections of the pending claims under 35 U.S.C. §103(a). The Request argued that at least claims 1, 2, 4-7, 13 and 14 were patentably distinct from the combination of the applied references for a number of reasons. Additionally, in the Request, Applicants noted that the Final Rejection was incorrect in its analysis of legal precedent relying improperly on 1969 precedent from the Court of Customs and Patent Appeals that was overruled in a 2002 decision from the Federal Circuit. Other concerns were raised in specific argument regarding the clearly incongruous nature of the Office Action.

Applicants raised all of the arguments posed in the Request during the August 3 personal interview with Examiner Richman. At that time, the Examiner indicated that he would have to more fully consider Applicants' arguments upon filing a formal response. In the Request, Applicants did not amend any claims. As such, the claims are in exactly the same form as they were examined in preparation of the Final Rejection.

On September 6, 2005, the Patent Office mailed an Advisory Action which indicated that the Request had been considered but did not place the application in condition for allowance because: "The claims would require a further search."

Applicants' representative was confused regarding this clearly improper assertion in the Office Action. Accordingly, Applicants' representative contacted Examiner Richman in an attempt to clear the confusion regarding what action Applicants should take in further response to the outstanding Final Rejection. Examiner Richman was receptive to the inputs

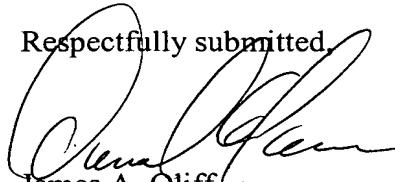
provided by Applicants' representative during the telephone interview. The Examiner asked Applicants' representative what action Applicants would like for the Examiner to take. Applicants' representative requested a new Office Action, either allowing the application or withdrawing the finality and fully addressing all of Applicants' arguments. The Examiner indicated that he would review this matter and take appropriate action.

Our review of the image file wrapper for this application on the PTO website on September 27 indicated that no further action had yet been formally taken.

Based on the foregoing, Applicants respectfully renew their Request for Reconsideration of the application by reason of all of the substantive arguments set forth in the August 15 Request. Further, based on Applicants' belief that the Final Rejection of the pending claims is defective on its face, Applicants respectfully request withdrawal of the finality, if the claims are to be further rejected.

For at least the reasons set forth in the August 15 Request, supplemented by the above Remarks, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-18 and 20 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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Date: September 27, 2005

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